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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

Case No. 4:20-cv-05640-YGR-TSH

EPIC GAMES, INC.,

Plaintiff, Counter-defendant,

v.

APPLE INC.,

Defendant, Counterclaimant.

**EPIC GAMES, INC.'S
ADMINISTRATIVE MOTION TO
SEAL PORTIONS OF ITS
PROPOSED FINDINGS OF FACT
AND CONCLUSIONS OF LAW**

The Honorable Yvonne Gonzalez Rogers

Trial: May 3, 2021

Pursuant to Civil Local Rules 7-11 and 79-5(d), Plaintiff Epic Games, Inc. (“Epic”) hereby moves the Court to issue an administrative order on the filing under seal of certain portions of Epic’s Proposed Findings of Fact and Conclusions of Law. In accordance with this Court’s Local Rules, a public redacted version of Epic’s Proposed Findings of Fact and Conclusions of Law has been filed using the ECF system for the Northern District of California.

Civil Local Rule 79-5 provides that documents, or portions thereof, may be sealed if a party “establishes that the documents, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law”. Civ. L.R. 79-5(b). “A strong presumption of access to judicial records applies fully to dispositive pleadings” and “‘compelling reasons’ must be shown to seal judicial records attached to a dispositive motion”. *Kamakana v. City & Cnty. of Honolulu*, 447 F3d 1172, 1179 (9th Cir. 2006) (citations omitted). Because “[f]indings of fact and conclusions of law may support a dispositive order”, compelling reasons are required here. *Washington v. Franciscan Health Sys.*, No. C17-5690, 2019 WL 3494382, at *2 (W.D. Wash. Mar. 12, 2019).

The redacted portions, which are highlighted in the under seal version of the document submitted herewith, quote or reproduce materials that the Court has ordered sealed in a prior Trial Order or Pretrial Order or that are subject to a sealing request. The affected portions are identified in the Declaration of M. Brent Byars submitted herewith.

Dated: May 28, 2021

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Respectfully submitted,

By: /s/ M. Brent Byars
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